

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 6

March 14, 2003

**SUBJECT: CHEMICAL TEST ADMINISTRATIVE ADVISEMENT,
FORM 1.28.08 - ACTIVATED**

PURPOSE: For years it has been Department procedure to advise employees who were being ordered to submit to a chemical test, in accordance with relevant provisions of the concerned employees' current Memorandum of Understanding (MOU), that any evidence obtained under the threat of discipline would not be used in criminal proceedings (*Lybarger v. City of Los Angeles*). However, the Department has become aware that the results of a chemical test, obtained for an administrative investigation, can by order of the court, be used in court against an officer during a criminal proceeding. As a result, the Chemical Test Advisement Form located in the Internal Affairs Group *Personnel Investigations: A Guide for Supervisors* has been revised and activated as a formal Department form.

This Order activates the new Chemical Test Administrative Advisement, Form 1.28.08.

PROCEDURE:

I. CHEMICAL TEST ADMINISTRATIVE ADVISEMENT, FORM 1.28.08 - ACTIVATED. The Chemical Test Advisement, Form 1.28.08, is activated.

A. Use of Form. This form is used when an employee is ordered to submit to a chemical test for an administrative investigation.

B. Completion. The investigator or supervisor ordering an employee to submit to a chemical test shall complete this Form.

C. Distribution.

1 - Original, attached to the administrative investigation.

1 - Copy, Commanding Officer, Internal Affairs Group.

2 - TOTAL

FORM AVAILABILITY: The Chemical Test Administrative Advisement, Form 1.28.08, will be available for ordering from the Department

of General Services, Distribution Center, in about 90 days, and will be placed on the Department's Local Area Network. A copy of the form is attached for duplication and immediate use.

AMENDMENTS: This Order adds Section 5/01.28.08 and amends Section 3/836.05 3/836.10 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, IAG, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

DISTRIBUTION "A"